Case 5:10-cr-00011-1E Document 4 Filed 01/22/10 Page 1 of 2 UNITED STATES DISTRICT COURT

THE NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION

UNITED STATES OF AMERICA, Plaintiff,	Case Number <u>CR-10-000</u> // JF
Mauricio Figeuroa - Walos, Defendant.	- 10 000 11 JF
	ORDER OF DETENTION PENDING TRIAL
In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention present, represented by his attorney V. F. 1111. The United States	
present, represented by his attorney V. Fully The United States PART I. PRESUMPTIONS APPLICABLE	hearing was held on
/ / The defendant is charged with an offense described in 18 U.S of a prior offense described in 18 U.S.C. & 3142(f)(1) while on release were	S.C. 8.3142(f)(1) and the disc. 1
- Convict	tion or the release of the person from the
·	
This establishes a rebuttable presumption that no condition or con of any other person and the community	abination of conditions will reasonable and
/ / There is probable cause based upon (the indictment) (the facts has committed an offense	s found in Part IV below) to believe that the defend
A for which a maximum term of imprisonment of 1	0 years or more is prescribed in 21 U.S.C. S.
out et seq., g 951 et seq., or g 955a et seq., OR	
B. under 18 U.S.C. § 924(c): use of a firearm during	the commission of a felony.
This establishes a rebuttable presumption that no condition or com-	the commission of a felony. JAN $2^{-2}20$ bination of conditions will reasonably assure the
and the safety of the community.	and a second control of the control
/ / No presumption applies.	- /* - /.wi
PART II. REBUTTAL OF PRESUMPTIONS, IF APPLICABLE	
/ / The defendant has not come forward with sufficient evidence to therefore will be ordered detained.	o rebut the applicable presumption[s], and he
and the control of th	
/ / The defendant has come forward with evidence to rebut the app	plicable presumption[s] to wit:
Thus, the burden of proof shifts back to the United States.	•
PART III. PROOF (WHERE PRESUMPTIONS REBUTTED OR INAPPLICABLE)	
/ / The United States has proved to a preponderance of the evidence	ce that no condition or combination of an interest
2000 mostic are appearance of the detendant as required. AND/OR	
/ / The United States has proved by clear and convincing evidence	that no condition or combination of conditions will
reasonably assure the safety of any other person and the community.	
PART IV. WRITTEN FINDINGS OF FACT AND STATEMENT OF REASONS FOR	R DETENTION
/ / The Court has taken into account the factors set out in 18 U.S.C.	. § 3142(g) and all of the information submitted at
the hearing and finds as follows:	- Committee at
- see attached	detention order
M 1/-/10	
	pane case - new charging
// Defendant his etterness 1.11 AVXI.1	documento
/ / Defendant, his attorney, and the AUSA have waived written finding Part V. Directions Regarding Detention	ings.
The defendant is committed to the system of the August Aug	
The defendant is committed to the custody of the Attorney General or his	s designated representative for confinement in a
orrections facility separate to the extent practicable from persons awaiting or service from the defendant shall be afforded a reasonable or personal to the service for the s	ving sentences or being held in custody pending appeal.
he defendant shall be afforded a reasonable opportunity for private consultation	with defense counsel. On order of a court of the
inited States or on the request of an attorney for the Government, the person in clefendant to the United States Marshal for the purpose of an appearance in connection	harge of the corrections facility shall deliver the
^	A COURT PROCEEDING.
ated: 1/2m. 22, 2010 Sahic	is V. Sun Venle
PATRICIA V. TRUM	MRIII

United States Magistrate Judge

United States of America, Plaintiff, Case Number <u>CR-09-012</u>] -avilos Pauricio tiquerog _, Defendant. ORDER OF DETENTION PENDING TRIAL In accordance with the Bail Reform Act, 18 USC \$3142(f), a detention hearing was held on 1/5, 2010. Defendant was present, represented by his attorney V. Fullik. The United States was represented by Assistant U.S. Attorney PART I. PRESUMPTIONS APPLICABLE The defendant is charged with an offense described in 18 USC \$3142(f)(1) and the defendant has been convicted of a prior offense described in 18 USC \$3142(f)(1) while on release pending trial for a federal, state or local offense, and a period of not more than five (5) years has elapsed since the date of conviction or the release of the person from imprisonment, whichever is later. This establishes a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community. // There is probable cause based upon (the indictment) (the facts found in Part IV below) to believe that the defendant has committed an offense for which a maximum term of imprisonment of 10 years or more is prescribed in 21 USC §801 et seq, §951 et seq, or §955a et seq, OR under 18 USC \$924(c): use of a firearm during the commission of a felony. This establishes a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community. No presumption applies. PART II. REBUTTAL OF PRESUMPTIONS, IF APPLICABLE The defendant has not come forward with any evidence to rebut the applicable presumption[s], and he therefore will be ordered detained. The defendant has come forward with evidence to rebut the applicable presumption(s) to wit: Thus, the burden of proof shifts back to the United States. PART III. PROOF (WHERE PRESUMPTIONS REBUTTED OR INAPPLICABLE) The United States has proved to a preponderance of the evidence that no condition of combination of conditions will reasonably assure the appearance of the defendant as The United States has proved by clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person and PART IV. WRITTEN FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION The Court has taken into account the factors set out in 18 USC \$3142(g), and all of the information submitted at hearing and finds as follows: Nedelmon in the section of the purchase in the definition of the section of the Exemple history is made up mostly of mindemernors with the evertiens of vehical thatte of and reentry after lagaritation. However he has sepular whating of Probation indicating that he does not comply with

// Defendant, his attorney, and the AUSA have waived written findings.

PART V. DIRECTIONS REGARDING DETENTION

The defendant is committed to the custody of the Attorney Gameral and the

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on the request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated: //7/10
AUSA___, ATTY___, PTS___